

(G) Dredge and Fill

(1) Policy

- (a) Dredging of a lake bottom can have serious adverse effects due to suspension of fine materials, re-suspension of nutrients and toxic materials, exposure of stable lakebed sediments to unstable conditions, removal of lakebed armament, and creation of steep beach areas.
- (b) Filling of a portion of a lake has serious adverse effects due to complete destruction of an aquatic environment, loss of habitat for fish and wildlife, loss of water storage capacity, creation of an unnatural lakeshore, creation of steep beach areas, and alteration of current flows and wave actions.
- (c) Filling of wetlands has serious effects due to complete destruction of an aquatic environment, loss of habitat for fish and wildlife, loss of water storage capacity, and loss of the natural storm runoff cleansing functions and the natural nutrient entrapment functions of wetlands.

(2) Standards

- (a) Dredging for the purpose of increasing the water depth of an area or creating an artificial harbor or lagoon is prohibited. Dredging for the purpose of expanding the lake area is prohibited.
- ~~(b) Dredging for the purpose of removing accumulated silt, sand, or gravel behind an existing dock or within the confines of an existing structure may be permitted. Additionally, the finished elevation of the lakebed may not be lowered from its natural level.~~
- ~~(b)(c)~~ Dredging for the purpose of removing accumulated ~~silt, sand, or gravel~~ which blocks access to a docking area may be permitted provided:
  - i. the area to be dredged is less than 500 square feet (500 ft<sup>2</sup>)
  - ii. the gravel which blocks access to a docking area, is behind an existing dock, or is within the confines of an existing structure
  - iii. the finished elevation of the lakebed is not lowered from its natural level.
  - iv. dredging is only conducted when the lake is at low pool. In general, Flathead Lake and Lake Mary Ronan are at low pool from December through April of each year; Swan

Lake is at low pool from August through mid-December of each year.

v. the gravel is re-deposited on the exposed lakebed within the riparian boundaries of the property so as not to affect erosion or sedimentation patterns on neighboring properties.

~~(d) Dredging is permitted only when the lake is at low pool. In general, Flathead Lake and Lake Mary Ronan are at low pool from December through April of each year; Swan Lake is at low pool from August through mid-December of each year.~~

(e) Dredging for any other purpose is prohibited unless a variance is approved by the governing body. If approved, Ddredged areas shall be stabilized with a protective armament as soon as possible after excavation.

(f) Fill projects for the purpose of expanding existing land areas are prohibited.

(g) Fill projects for the purpose of reclaiming property which has been eroded away over a period of one (1) year or more shall not be permitted.

(h) Filling of wetlands adjacent to a lake is prohibited.

(i) Filling for the purpose of creating an artificial sand beach on the lakebed is prohibited.

(j) Discharge of fill material directly into the lake shall not be permitted.

(k) Where large gravel, cobble or boulders have come out of a crib structure or a similar structure, the rock may be replaced in the structure provided that such rock can be picked from the lake-bed free of fine materials and that a protective armament of rock remains on the lakebed in the area from which the rock is removed.

~~(k) Dredging on Lake Mary Ronan is not recommended.~~

(l) Addition of rock to the lakebed and lakeshore protection zone may be permitted, but shall be reviewed on a case-by-case basis, subject to the following requirements:

i. Application of rock is allowed where the predominant existing surface is gravel.

ii. Application of rock is not permitted in the following areas: wetlands and sites subject to strong wave action or currents; sites

covered predominantly by vegetation; or below average low water.

iii. Placement of fill directly into the waters of any lake is prohibited.

iv. All fill shall be clean, washed rock. Rock type, size and color shall approximate that existing on the adjacent lakeshore.

v. The volume of fill landward of the mean annual high water elevation shall not exceed one cubic yard per sixteen lineal feet of lake frontage.

vi. The volume of fill waterward of the mean annual high water elevation for the purposes of re-establishing a gravel beach shall not exceed one cubic yard per lineal foot of lake frontage.

vii. Where fill is proposed on the bed of any lake, Lake County may request comment from the Montana Department of Fish, Wildlife and Parks, whose concerns may be incorporated into the permit application review process.

(m) Permits for dredging and filling may also be required by the US Army Corps of Engineers, Montana Department of Environmental Quality, and Montana Department of Natural Resources and Conservation. A Lake County Floodplain Development Permit may also be required.